

REMARKS

The specification has been amended, and Figure 13 corrected, to address the Examiner's objections.

Claim 34 has been rejected under 35 U.S.C. §112, first paragraph, for lack of enablement. The Examiner asserts that the specification is not enabling for the use of the brush "commensurate in scope with these claims." The Examiner states that the claimed brush would not be suitable to sweep a metered amount of powder into the dosing means. However, this is not the purpose of the brush. Instead, the brush is configured, on relative movement of at least one and one other of the surfaces of the flow path, to contact the other of the surfaces of the flow path such as to dislodge powder accumulated thereon. This powder dislodging function of the brush or scraper is described, for example, in the passages of Applicants' specification found at page 16, lines 13 – 30 and page 20, lines 7-21. This powder dislodging function is not related to dosing; instead, it serves to remove any accumulated powder in the flow path – downstream of the dosing unit -- that is not delivered during inhalation, reducing the variability of the dose of powder delivered to the amount of powder retained downstream of the dosing unit after a single use. (See Applicants' specification, page 3, lines 26-27, page 4, lines 1-3 and 22-25.) The dislodging function can be provided by a scraper, brush, or any desired element, as is described clearly in Applicants' specification. Applicants respectfully request that this rejection be withdrawn.

Claims 34-41 have been rejected under 35 U.S.C. §102(b) as being anticipated by Andersson et al (US 6,257,232). This rejection is respectfully traversed.

Claims 34-41 require a powder dislodging member, the function of which is discussed above. Andersson does not disclose a powder dislodging member as claimed. The Examiner asserts that the Andersson inhaler "comprises a powder dislodging member 22." Applicants respectfully disagree with this interpretation of Andersson. Neither the inhalation unit 22 nor the scrapers 40 contained in the inhalation unit can properly be characterized as Applicants' claimed powder dislodging member. As discussed above, the function of the claimed powder dislodging member is to remove any accumulated powder in the flow path, which is defined in claims 34

and 35 as being downstream of the dosing unit. In contrast, the scrapers 40 described by Andersson are positioned upstream of the dosing unit, to fill the dosing unit. Thus, the inhaler described in the Background section of the Andersson is different from Applicants' claimed inhaler both structurally and in the manner in which it functions.

Applicants respectfully request that this rejection be withdrawn.

Claims 55-62 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Andersson in view of Ambrosio (US 5,829,434). This rejection is respectfully traversed.

Claims 55-62 depend from claim 34 and thus are patentable for at least the reasons discussed above. Ambrosio adds nothing of relevance regarding powder dislodgement.

Claims 34-41 have been rejected under the judicially created doctrine of obviousness type double patenting as being obvious in view of claims 1-4, 18, 23, 30 and 39 of Andersson et al (US 6,257,232). Claims 55 and 59-61 have been rejected as obvious in view of claims 1-4 of Ambrosio (US 5,829,434). These rejections are respectfully traversed.

Andersson does not teach or suggest the use of a brush or scraper as a powder dislodging member, as required by claims 34 and 35. Nor is such a powder dislodging member obvious in view of the claims or indeed the complete teachings of either reference. Thus, it is respectfully requested that these rejections be withdrawn.


Applicant : Jan Andersson et al.
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Enclosed is a \$120 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 06275-131002.

Respectfully submitted,

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Amendments to the Drawings:

The attached replacement sheet of drawings includes changes to Fig. 13 and replaces the original sheet including Fig. 13.

In Figure 13, reference number 142 which points to the supplementary air inlet has been changed to reference number 143. The specification has been amended to reflect this change.

Attachments following last page of this Amendment:

Replacement Sheet (1 page)
Annotated Sheet Showing Change(s) (1 page)

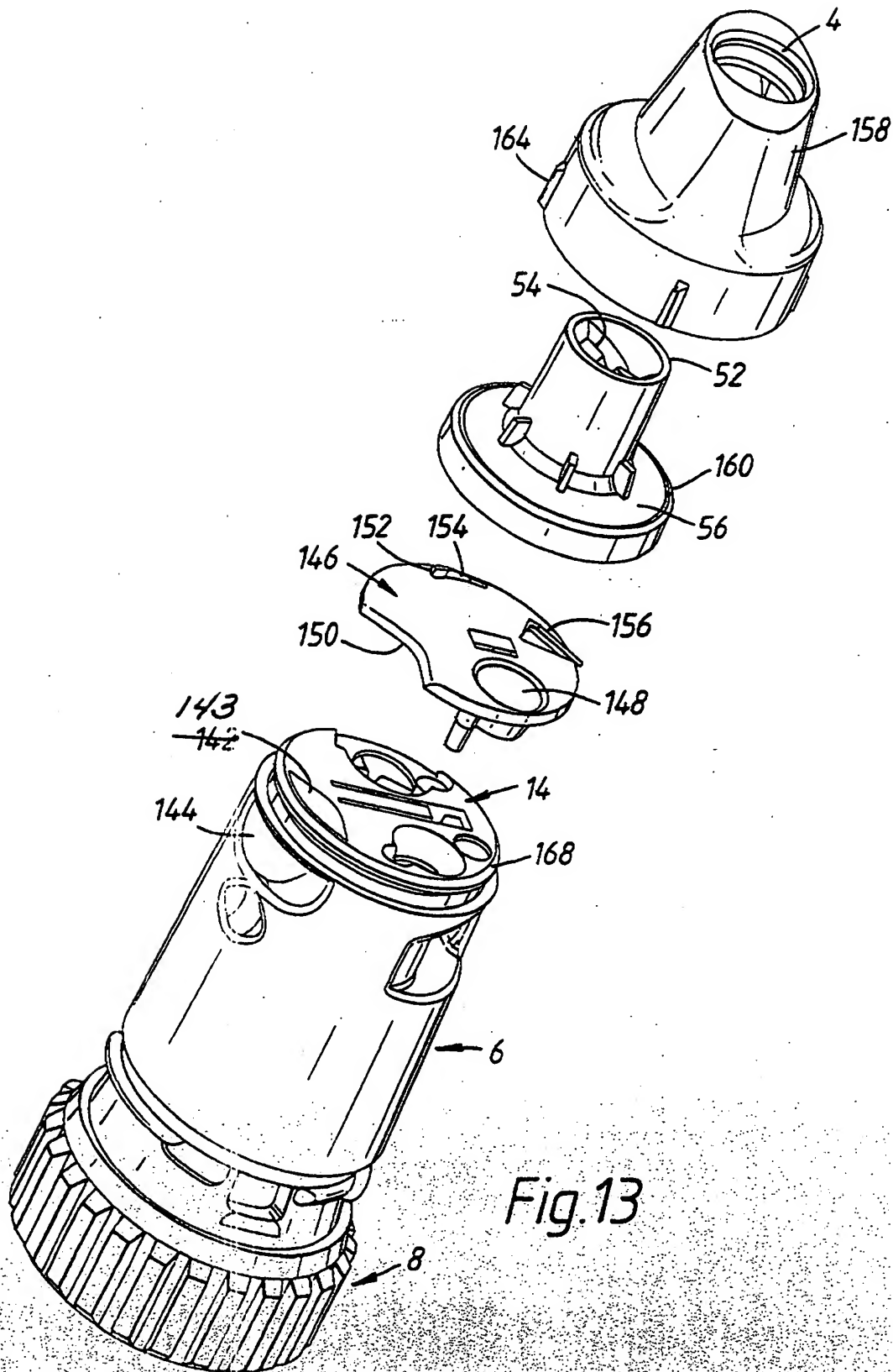


Fig.13